

December 20, 2021

VIA ECF

The Honorable Gary R. Brown  
United States District Judge  
Eastern District of New York  
100 Federal Plaza, Courtroom 840  
Central Islip, New York 11722

Re: *Chrysafis et al. v. Marks et al.*, No. 2:21-cv-02516-GRB-AYS

Dear Judge Brown:

I write as counsel for Plaintiffs in the above-captioned action. For all the reasons stated in prior briefing and at the November 8, 2021 evidentiary hearing, and on the full record of proceedings, Plaintiffs intend to file an emergency motion for an injunction pending appeal in the Second Circuit as to their claims against Defendant Marks, barring enforcement of the State's extended residential eviction moratorium during the pendency of their appeal. Pursuant to Federal Rule of Civil Procedure 62 and Federal Rule of Appellate Procedure 8(a)(1)(C), Plaintiffs hereby present that motion to this Court in the first instance. Should the Court desire formal motion practice, Plaintiffs are prepared to file papers on an expedited basis and will waive reply. As an alternative to formal briefing, Plaintiffs respectfully ask this Court to accept this submission as Plaintiffs' letter-motion for an injunction pending appeal, and to enter an expedited ruling based on the parties' prior submissions.

Pursuant to Local Rule 37.3 and Rule II(e)(1) of Your Honor's Individual Practice Rules, we have met and conferred with counsel for Defendant Marks, who has informed us that Defendant Marks does not consent to the request for an injunction pending appeal and requests a reasonable opportunity to respond to this application.

As always, we thank the Court for its consideration.

Respectfully,

/s/ Randy M. Mastro

Randy M. Mastro

cc: All counsel of record (via ECF)